

**ALLEGED SHIPMENT:** On or about August 8, 1951, by Roberts Brothers, Inc., from Baltimore, Md.

**PRODUCT:** 198 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at New Orleans, La.

**LABEL, IN PART:** (Can) "Roberts Big R Brand Tomatoes."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes (the drained weight of the contents of the container of the article was less than 50 percent of the weight of water required to fill the container), and the label failed to bear a statement that the article fell below the standard.

**DISPOSITION:** November 9, 1951. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions for their use and not for sale.

**18083. Misbranding of canned tomatoes. U. S. v. 142 Cases \* \* \*. (F. D. C. No. 31679. Sample No. 37441-L.)**

**LIBEL FILED:** September 12, 1951, District of New Jersey.

**ALLEGED SHIPMENT:** On or about August 8, 1951, by A. W. Sisk & Son, from Salem, Md.

**PRODUCT:** 142 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Newark, N. J.

**LABEL, IN PART:** (Can) "Salem Brand Tomatoes \* \* \* Packed By Salem Packing Co., Thos. J. Gaulkner & Sons, Salem, Md."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the article purported to be and was represented as canned tomatoes, and its quality fell below the standard of quality for canned tomatoes because of excessive peel; and the label failed to bear a statement that the article fell below such standard.

**DISPOSITION:** October 30, 1951. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions if examination by the Food and Drug Administration disclosed that the product was fit for human consumption. The product was found to be fit and was delivered to various institutions.

**18084. Misbranding of canned tomatoes. U. S. v. 34 Cases \* \* \*. (F. D. C. No. 31710. Sample No. 12929-L.)**

**LIBEL FILED:** September 18, 1951, District of Colorado.

**ALLEGED SHIPMENT:** On or about August 7, 1951, by the Elsa Canning Co., Elsa, Tex.

**PRODUCT:** 34 cases, each containing 6 6-pound, 6-ounce cans, of tomatoes at Denver, Colo.

**LABEL, IN PART:** (Can) "Tomatoes \* \* \* Ro-Tel Brand."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes because the strength and redness of color of the article was less than that prescribed by the standard, and the label failed to bear a statement that the article fell below the standard.

**DISPOSITION:** October 31, 1951. The Elsa Canning Co. having executed an acceptance of service and an authorization for taking of a final decree, judgment of condemnation was entered against the one case of the article which

actually had been seized. The court ordered that the product be delivered to a charitable institution.

### NUTS\*

18085. Adulteration of shelled peanuts. U. S. v. 258 Bags \* \* \*. (F. D. C. No. 31623. Sample No. 5067-L.)

**LIBEL FILED:** August 10, 1951. District of Massachusetts.

**ALLEGED SHIPMENT:** On or about July 24, 1951, by Farmers Cotton & Peanut Co., Inc., from Plymouth, N. C.

**PRODUCT:** 258 100-pound bags of shelled peanuts at Boston, Mass.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

**DISPOSITION:** September 13, 1951. Farmers Cotton & Peanut Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that it be cleaned and the fit portion converted into edible oil and the unfit portion denatured for use as animal feed, under the supervision of the Federal Security Agency. A total of 2,864 pounds of the product was found to be unfit and was denatured for use as animal feed.

### POULTRY

18086. Adulteration and misbranding of dressed poultry. U. S. v. 5,000 Pounds \* \* \*. (F. D. C. No. 31618. Sample No. 24357-L.)

**LIBEL FILED:** August 15, 1951, Southern District of New York.

**ALLEGED SHIPMENT:** On or about July 26, 1951, by the Rockland Poultry Co., from Rockland, Maine.

**PRODUCT:** 5,000 pounds of dressed poultry in 69 crates at New York, N. Y. Examination showed the presence of pellets of added diethylstilbestrol in the edible portions of the birds.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added deleterious substance, diethylstilbestrol, which is unsafe within the meaning of the law.

Misbranding, Section 403 (a), the designation "RST" which appeared on the crate label was misleading since such designation applies to roasting chickens which have not been chemically treated, whereas the article had been chemically treated with diethylstilbestrol.

**DISPOSITION:** October 23, 1951. The Rockland Poultry Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of salvaging by removing the necks and eviscerating under the supervision of the Federal Security Agency.

18087. Adulteration of dressed poultry. U. S. v. 1,125 Pounds \* \* \*. (F. D. C. No. 31665. Sample No. 24376-L.)

**LIBEL FILED:** September 6, 1951, Southern District of New York.

**ALLEGED SHIPMENT:** On or about August 23, 1951, by the Delmarva Poultry Corp., from Frankford, Del.

**PRODUCT:** 1,125 pounds of dressed poultry in 15 crates at Bronx, N. Y.

\*See also No. 18052.